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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/821,027	03/19/1997	ERIC A. VOIT	680-189	3576

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WASHINGTON, DC 20005-3096

EXAMINER

KWOH, JASPER C

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/821,027

Applicant(s)

VOIT ET AL.

Examiner

Jasper Kwoh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21,23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: the application information on page 1, paragraph 1 and page 7, paragraph 4 should be updated.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 2 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Mirashrafi et al (US006026087A).

Regarding claim 1, Mirashrafi et al. discloses a method comprising determining the QoS (i.e. abstract, fig. 2B, 230, monitors call quality); compare QoS with predetermined threshold (i.e. abstract, fig. 2B, 236, determine if quality is below a predetermined measure); route though the packet network is exceed threshold level and route though the PSTN is theshold not exceeded (i.e. abstract, fig. 1, call is sent through the internet and Bridgeport if QoS acceptable, if not, it is sent directly through the telephone extension 113).

Regarding claim 2, Mirashrafi et al. involve unique service code (i.e. col. 5, ll. 33-35; it is inherent that the Push-to Talk option involve unique codes for the service).

Regarding claims 6-8, Mitashrafi et al. discloses exchanging signaling messages (i.e. col. 6, ll. 27-43; network is internet (i.e. fig. 1, 150); and if not busy connect connect

via the internet with two PSTN on either ends (i.e. fig. 1, 110 and 140 are PSTN/POTS and connected though internet 150).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 4-5, 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirashrafi et al. in view of Farris.

Mirashrafi et al. discloses dialing phone numbers (i.e. equivalent to telephone extensions). Mirashrafi et al. does not specifically disclose AIN, including CPR and ISCP, conditions for triggering ISCP, transmitting packets and measuring round trip time. However, Farris teaches AIN, including CPR and ISCP(i.e. col. 4, ll. 53-56), conditions for triggering ISCP(design choice to operate the ISCP), transmitting packets and measuring round trip time(i.e. col. 15, ll. 28-29). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include AIN, including CPR and ISCP, conditions for triggering ISCP, transmitting packets and measuring round trip time as taught by Farris with the method of Mirashrafi et al. in order to improve speed of re-routing calls when conditions improve.

***Allowable Subject Matter***

6. Claims 21 and 23-24 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-2 and 4-20 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

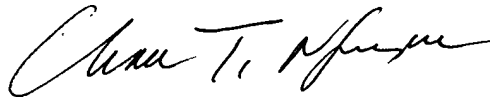
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



JK  
July 11, 2002

Jasper Kwoh  
Examiner  
Art Unit 2663



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600